UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

ART G. ELLIS,)
Plaintiff,)
vs.) Docket No
NATIONWIDE MUTUAL INSURANCE COMPANY,)
Defendant.)
))

NOTICE OF REMOVAL

PLEASE TAKE NOTICE, that the Defendant in the above cause, pursuant to 28 U.S.C. § 1446 et. seq. hereby removes to the United States District Court the above-captioned action from the Bradley County Circuit Court, Docket No. V-13-376. In support thereof, the Defendant would show unto the Court as follows:

- 1. On November 9, 2012, a civil action was commenced in the Bradley County

 General Sessions Court in Cleveland, Tennessee, styled <u>Art G. Ellis v. Nationwide Mutual</u>

 <u>Insurance Company</u>, Docket No. 2CV4093 seeking \$14,360.00 in damages. (A true and accurate copy of the pleadings, orders and process served on Nationwide Mutual Insurance Company is attached hereto as **Exhibit A** and incorporated by reference herein.)
- 2. After a bench trial that resulted in the dismissal of the plaintiff's action, the plaintiff appealed this matter to the Bradley County Circuit Court on May 15, 2013.
- 3. On October 17, 2014, the plaintiff filed a motion to amend his civil warrant to assert damages for bad faith, to seek punitive damages against the defendant, and file a formal Complaint. As a result of the filing of that motion, the plaintiff increased the amount of the matter

in controversy from \$14,360.00 to \$214,441.65 plus an unidentified amount for the cost to replace a damaged cooler. The defendant's Notice of Removal has been filed within 30 days of the date of the filing of plaintiff's Motion to Amend. (A copy of the plaintiff's Motion For Leave to File Amended Complaint and the proposed Amended Complaint are attached as **Exhibit B**.)

- 4. Pursuant to the amended complaint filed by the plaintiff, the plaintiff is a citizen and resident of the State of Tennessee.
- 5. Defendant, Nationwide Mutual Insurance Company, is an Ohio Company whose principal place of business is in Columbus, Ohio.
- 6. Jurisdiction is conferred under 28 U.S.C. § 1332 relating to diversity of citizenship of the parties. Furthermore, because the amount in controversy exceeds the jurisdictional requisite and fewer than thirty days have expired since the filing of the Motion to Amend, therefore this Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b).

WHEREFORE, the Defendant hereby gives notice of the removal of this action from the Circuit Court for Bradley County, Tennessee to the United States District Court for the Eastern District of Tennessee, Southern Division, and requests that the proceedings be held thereon.

Respectfully submitted,

TRAMMELL, ADKINS & WARD, P.C.

By s/Andrew J. Lewis
Brian H. Trammell, BPR #010140
Andrew J. Lewis, BPR #028090
Attorneys for the Defendant
P.O. Box 51450

Knoxville, Tennessee 37950 865/330-2577

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this pleading has been served on all counsel of record by placing same in the United States Mail, postage prepaid, by delivering same to the office of said counsel, or via facsimile.

C. Scott Johnson, Esq. Patrick B. Hawley, Esq. Fleissner, Davis & Johnson P.O. Box 869 Chattanooga, TN 37402

J. Allen Murphy, Jr., Esq. 3555 Keith Street, NW, Suite 213 Cleveland, TN 37312

This 13th day of November, 2014.

TRAMMELL, ADKINS & WARD, P.C.

By s/ Andrew J. Lewis
Brian H. Trammell
Andrew J. Lewis

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE

ART (G. ELLIS, iff.	
v.	Case No	
	IONWIDE MUTUAL RANCE COMPANY, adant.	
DISCLOSURE STATEMENT		
	I, the undersigned, counsel of record for Nationwide Mutual Insurance Company,	
certify	to the best of my knowledge and belief:	
X	My client has no corporate interests to be identified under Federal Rule of Civil Procedure 7.1 or Federal Rule of Criminal Procedure 12.4.	
	My client has the following parent corporation(s):	
0	The following publicly held corporation(s) own 10% or more of my client's stock:	
	(Signature/of Counsel) 1/13/14 (Date)	